

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1–26, et al.,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 4:21-cv-01236-O

ORDER & AMENDED SCHEDULING ORDER

Before the Court is the Unopposed Motion to Modify the Scheduling Order (ECF No. 217), filed January 27, 2023. The Court also takes notice that the Parties have concurrently filed their briefs on mootness with the Fifth Circuit and with this Court. *See* ECF Nos. 218, 219-1.

The Unopposed Motion to Modify the Scheduling Order (ECF No. 217) is hereby **GRANTED in part and DENIED in part**. The trial date will remain unchanged, but the Court finds good cause to **AMEND** the May 24, 2022 Scheduling Order (ECF No. 158) as follows:

| | |
|--|---|
| Initial Expert Designation & Report | February 28, 2023 |
| Responsive Expert Designation & Report | March 17, 2023 |
| Rebuttal Expert Designation | 14 days after disclosure made by other party |
| Expert Objections | May 15, 2023 |
| Dispositive Motions | April 28, 2023 |
| Mediation | March 31, 2023 |
| Completion of Discovery | April 21, 2023 |
| Pretrial Disclosures and Objections | May 10, 2023. Objections due 14 days thereafter. |
| Pretrial Materials (pretrial order etc.) | May 25, 2023 |
| Exchange of Exhibits | June 5, 2023 |

Some of these listed deadlines have not been amended, but the Court provides them here collectively for the convenience of the Parties. All other deadlines not specified here remain unchanged.

Plaintiffs also request the Court to appoint a mediator for this dispute. United States Magistrate Judge Cureton is hereby **APPOINTED** to mediate this case. The Parties shall contact him directly to arrange for mediation **on, or before, March 31, 2023**.

Furthermore, in their Fifth Circuit brief on mootness, the government asserts, “The United States also intends to seek dismissal of the entire case as moot in the district court.” *See* Government’s Fifth Circuit Brief on Mootness 8, ECF No. 219-1. The government **SHALL** file their assertion of mootness **no later than February 6, 2023**. Plaintiffs **SHALL** have seven (7) days to file their response, and the government **SHALL** file its reply seven (7) days thereafter.

SO ORDERED on this **30th day of January, 2023**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE